



Virginia Occupational Safety and Health



VOSH PROGRAM DIRECTIVE: 03-006

ISSUED: June 1, 2007

SUBJECT: Consultation Policies and Procedures, Chapter 6: Documenting Consultation Services

A. Purpose.

This directive transmits to On-site Consultation Program field personnel visit related requirements of the VOSH Consultation Program.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies Consultation-wide.

C. Reference.

04-09 (CSP 02) - TED 3.6 - Consultation Policies and Procedures Manual Chapter 6 (11/24/2004)

D. Cancellation.

Not Applicable.

E. Action.

The Director and Manager shall ensure that Consultation Program field personnel understand and comply with the instructions and requirements included in this directive.

F. Effective Date.

June 1, 2007

G. Expiration Date.

Not Applicable.

H. Background and Summary.

This is Chapter 6 of the 03 group directives comprising the VOSH Consultation Policies and Procedures Manual (CPPM) which provides the overall policy framework for administering the VOSH Consultation Program. This chapter outlines policy for documenting consultation services.

Significant topics include:

1. Elements of the safety and health management system.
2. An example of the "List of Hazards" has been added to this chapter.

C. Ray Davenport
Commissioner

Attachment:

Distribution: Commissioner of Labor and Industry
Assistant Commissioner - Programs
Cooperative Programs Director and Manager
VOSH Consultation Staff
Legal Support and IMIS Staff
OSHA Area Office,
OSHA Region III and Norfolk Area Offices

TABLE OF CONTENTS

I. The Written Report to the Employer

- A. Timing of the Written Report
- B. Responsibility for Preparing the Written Report
- C. Required Elements of the Written Report
 - 1. Executive Summary
 - 2. Employer's Obligations and Rights
 - 3. Hazards Identified
 - 4. Evaluation of Safety and Health Management System
 - 5. Training Provided
 - 6. Monitoring Data
 - 7. Other Findings
 - 8. Safety and Health Program Assessment Worksheet
- D. Cover Letter

II. List of Hazards

III. Case File

- A. Consultation Forms
- B. Formal Training
- C. Extensions
- D. Written Report
- E. List of Hazards

Exhibit 1: List of Hazards

Chapter 6

Documenting Consultation Services

- I. The Written Report to the Employer (Written Report).** The Written Report to the employer must be prepared at the conclusion of any initial visit and must include laboratory results, if applicable, of samples submitted for analysis. Visits other than initial visits do not require a written report, but must be concluded with a letter to the employer summarizing the activity. The consultation written report contains information considered confidential and because disclosure of such reports would adversely affect the operation of the VOSH Consultation Program, the state shall not disclose the consultant's written report except to the employer for whom it was prepared and as provided for in 1908.7(a)(3). The state may also disclose information contained in the consultant's written report to the extent required by 29CFR 1910.1020 or other applicable VOSH standards or regulations.
- A. Timing of the Written Report. The Written Report must be sent to the employer as soon as possible but not longer than 20 calendar days after the closing conference. If laboratory results are not yet available when the report is due, they should be sent as an addendum to the report as soon as they become available.
- B. Responsibility for Preparing the Written Report. The consultant who conducted the initial visit prepares the report. If more than one consultant participated in the visit, the consultant to whom the visit was initially assigned is responsible for preparing the written report and seeking input from the other consultants.
- C. Required Elements of the Written Report. The following sections must be included in every report, although they need not be in this order, with the exception of the executive summary, which must be first:
1. Executive Summary. This section must include all of the following:
 - a. A summary of the employer's request;
 - b. The scope of the services provided;
 - c. The name of the consultant conducting the visit;
 - d. Items of importance covered in the opening conference;
 - e. A description of the workplace and the working conditions;
 - f. A comparison of the site's DART and TRC to the national industry average; and
 - g. Items of importance covered in the closing conference.
 2. Reserved.
 3. Hazards Identified. This is an itemization of all the hazards identified during the visit, the classification of the hazard, a correction due date for each hazard, and recommended methods to eliminate or control the hazard. If a hazard is corrected on the spot, the report must describe the method used to correct the hazard.

If a Standard Element Paragraph (STEP) is used, it must be modified to meet the specific conditions of the employer's worksite.

4. Evaluation of Safety and Health Management System. In this section the consultant conducts an analysis of the employer's safety and health management system through the use of the Safety and Health Program Assessment Worksheet hereafter referred to as Worksheet. Although a template is provided, it is mandatory for this section to be specifically tailored to the worksite. All hazards observed (and reported on in paragraph (3) above) must be discussed as evidence of deficiencies in the safety and health management system. The consultant's recommendations to improve the existing safety and health management system must be included in this section. The Worksheet is divided into seven discrete areas which were derived from the 1989 Safety and Health Program Management Guidelines. A copy of the Worksheet can be found in Chapter 4, Exhibit 1. We have outlined the seven areas as an easy reference.
 - a. Hazard Anticipation and Detection. Current and potential hazards are identified through the use of a baseline hazard survey, job hazard analysis, and a self-inspection program. In addition all accidents and incidents are investigated for the root causes.
 - b. Hazard Prevention and Control. Current and potential hazards detected are corrected or controlled in a timely manner. Establish procedures for that purpose using the following measures: engineering and/or administrative controls, safe work practices, providing personnel protective equipment and clothing and having a plan for emergencies at the work site.
 - c. Planning and Evaluation. A review of the overall safety/health management system is conducted at least annually. Safety/health goals exist and there is an action plan designed to accomplish the organizations objectives in place.
 - d. Administration and Supervision. Assign and communicate responsibility for all aspect of the program, so that managers, supervisors, and the employees in all parts of the organization know what safety/health performance is expected of them.
 - e. Safety and Health Training. This includes teaching all personnel about the hazards to which they may be exposed and how to identify, prevent, and control those hazards. Managers and supervisors also need training in program management topics such as enforcing rules, conducting drills, and performing accident investigations.
 - f. Management Leadership. Management assigns safety and health responsibility and authority to supervisors and employees and holds them accountable. Management leadership includes policy formulation, annual goal-setting and program review, and employee empowerment.
 - g. Employee Participation. Employee participation encourages employee involvement in the structure and operation of the program and in the decisions that affect their safety/health, so that they will commit their insight and energy to achieving the safety/health program goals and objectives.
5. Training Provided. A summary of both the formal and informal training which was conducted during the visit must be included in the report.
6. Sampling Data. If sampling has been conducted, the appropriate template should be selected, including tables, forms and charts to display the results.

7. Other Findings. In this section, the consultant must list and discuss any other safety and health issues that are subject to the general duty clause and which, if found by enforcement, would be cited.
 8. Safety and Health Program Assessment Worksheet (Worksheet). If the use of a Worksheet was required (See Chapter 4, (03-004), Paragraph II of this manual), it must be included as an appendix to the report.
- D. Cover Letter. Every Written Report must be sent with a cover letter. Templates provided by VOSH include two types of letters, one for when no hazards were observed, and another for when hazards were observed. When hazards are observed, the Consultation Program Manager must ensure that the cover letter transmitting the Written Report includes the following paragraphs:

Accompanying this report is a List of Hazards which includes a description of the serious hazard(s) and the date by which we mutually determined that the hazard(s) would be corrected. This List of Hazards must be posted, unedited, in a prominent location where it is readily observable by all employees for three working days or until the hazard(s) have been corrected, whichever is later. If we approve an extension to the correction due dates, a new List of Hazards will be sent to you showing the revised date(s).

II. List of Hazards. The List of Hazards must accompany the consultant's Written Report. The consultant must also send the employee representative a copy of the List of Hazards and any modifications and/or extensions to correction due dates. The first page of the List of Hazards should be printed on the Consultation Program's letterhead. See Exhibit 1 of this Chapter for a sample List of Hazards in the preferred format.

III. Case File. At a minimum, each case file must include:

- A. Consultation Forms. All Consultation forms used, (such as OSHA 20, 30, 33, 40 & 66), field notes, observations, analyses, and other written documentation (such as hazard documentation, OSHA 300 logs), developed prior to, during, or resulting from, the hazard survey.
- B. Formal Training. For formal training, evidence that either a hazard survey was performed by a Federal or State compliance officer or private consultant within the 12 months preceding the date of the requested training.
- C. Extensions. Any extensions to the correction due date (oral or written) must be documented. The documentation must include an explanation of why correction was not completed in the established time frame and evidence that the employer is safeguarding employees against the hazard with interim protection during the correction period must be documented.
- D. Written Report. The Written Report discussed in this Chapter.
- E. List(s) of Hazards. The List(s) of Hazards provided to the employer, including all new Lists created as a result of approved extensions and revised correction due dates.

Chapter 6 Exhibit 1

Sample List of Hazards (Preferred Format)

LIST OF HAZARDS

This List of Hazards must be posted, unedited, in a prominent place where it is readily observable by all affected employees for three (3) days, or until the hazards are corrected, whichever is later.

VISIT NUMBER: 515196904

VISIT DATE(S): 08/06/04

T & R Eye Center
432 Main Street
Dallas, TX 75003

This is a notification of serious hazards identified during the consultation visit. This notification is **not** a citation. The T & R Eye Center is a voluntary participant in the consultation program and has agreed to correct the hazards on this list within the correction due date(s) specified. The T & R Eye Center has also agreed to make information on other-than-serious hazards as well as corrective action proposed by the consultant available to employees upon request.

ITEM	0001	STANDARD	1910.0132(d)(01)
INSTANCE	A	CORRECTION DUE DATE:	08/23/04
DESCRIPTION: A list of job titles, any potential hazards associated with the job and what personal protective equipment, if any, would be needed to protect the employee from the hazard or hazards.			

ITEM	0002	STANDARD	1910.0151©
INSTANCE	A	CORRECTION DUE DATE:	08/23/04
DESCRIPTION: The eyewash station is placed correctly; however, only hot water can be accessed which would cause further injury to the eye(s). An eliminator valve plumbed into the system would eliminate this problem.			